

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INFORMATICA CORPORATION

Plaintiff,

No. C 02-03378 EDL

v.

ORDER REQUIRING FURTHER BRIEFING  
ON JURY INSTRUCTIONS

BUSINESS OBJECTS DATA  
INTEGRATION, INC.

Trial Date: March 12, 2007

Defendant.

To assist the Court in advance of the March 6, 2007 pretrial conference by clarifying matters raised in the proposed jury instructions, the parties shall file and serve short supplemental materials on the following issues by 10:00 a.m., March 5, 2007:

- 1) The parties shall brief Defendant's objection to Plaintiff's references to version 5.0 of ActaWorks in its proposed jury instructions nos. 14 and 35, on the ground that Plaintiff has only come forward with analysis of infringement with respect to version 5.2 and later. Any references to infringement analysis shall cite specific portions of relevant exhibits.
- 2) In light of its objection to Plaintiff's reference to Business Objects' acquisition of Acta at 3:24-25, Defendant shall propose alternative language to describe succinctly the transaction by which BODI was created.
- 3) On the issue of identifying the effective filing date of the patent application in proposed instruction no. 45, the parties shall brief whether the effective filing date of claim 11 of the '775 patent was November 7, 1997 or November 16, 1999.

- 1           4)       Plaintiff shall file a brief opposition to Defendant's 2/15/07 Supplemental Materials for  
2                   Clarification of Pretrial Filings on the issue of whether Defendant disclosed its  
3                   obviousness theory based on prior art other than the VMark Technical Note, Data Stage  
4                   Architecture Overview, and whether to limit the exhibits identified in Plaintiff's  
5                   proposed instruction No. 47 to that particular prior art reference.

6       IT IS SO ORDERED.

7       Dated: March 1, 2007

*Elizabeth D. Laporte*

ELIZABETH D. LAPORTE  
United States Magistrate Judge